PATENT COOPERATION TREATY

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 703428PCT	FOR FURTHER A	CTION	See Form PCT/IPEA/416		
International application No. PCT/CA2004/001919	International filing of 04 November 2004	late (day/month/year) 4 (04-11-2004)	Priority date (day/month/year) 04 November 2003 (04-11-2003)		
International Patent Classification (IPC) of IPC: <i>B60J 7/047</i> (2006.01)	International Patent Classification (IPC) or national classification and IPC IPC: B60J 7/047 (2006.01)				
		:			
Applicant INTIER AUTOMOTIVE CLOSURES INC. ET AL					
This report is the international prelimin under Article 35 and transmitted to the	nary examination reports applicant according to	rt, established by this I o Article 36.	nternational Preliminary Examining Authority		
2. This REPORT consists of a total of	5 sheets, include	ling this cover sheet.	·		
3. This report is also accompanied by AN	INEXES, comprising:				
a. [X] (sent to the applicant and	l to the International E	Sureau) a total of	sheets, as follows:		
		,	been amended and are the basis of this report		
	ntaining rectifications		ority (see Rule 70.16 and Section 607 of the		
[] sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. 1 and the Supplemental Box.					
b. [] (sent to the International	Bureau only) a total o	f (indicate type and nu	nber of electronic carrier(s))		
L J (L - 1)			or tables related thereto, in electronic		
form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).					
4. This report contains indications relating to the following items:					
[X] Box No. I Basis of the repo	-				
[] Box No. II Priority					
[] Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability					
[X] Box No. IV Lack of unity of	invention	•			
[X] Box No. V Reasoned statem	ent under Article 35(2) with regard to novelt	, inventive step or industrial applicability;		
citations and exp	lanations supporting s	uch statement			
[] Box No. VI Certain documen	its cited				
[] Box No. VII Certain defects in	n the international appl	lication			
[X] Box No. VIII Certain observations on the international application					
Date of submission of the demand 03 June 2005 (03-06-2	(005)	Date of completion of this report 25 January 2006 (25-01-2006)			
Name and mailing address of the IPEA/CA	4	Authorized officer			
Canadian Intellectual Property Office Place du Portage I, C114 - 1st Floor, Box	РСТ				
50 Victoria Street Gatineau, Quebec K1A 0C9		Robe	ert Gruber (819) 953-1889		
Facsimile No.: 001(819)953-2476		i			

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No. PCT/CA2004/001919

Bo	ι No.	. I	В	asis of the	report	<u></u>			
1.	Wi	th	rega	rd to the la	inguage, this report	is based on:			
	[X]		the international application in the language in which it was filed						
	ſI	i	a tra	nslation of	the international ap	, which is the language of a			
					ished for the purpos	-			
			[]		onal search (Rules 1:	•			
			[]		•	nal application (Rule 12.4(a))			
			[]	internatio	onal preliminary exa	amination (Rules 55.2(a) and/or 55.3(a))			
2.	the ann	re	eceiv xed t the i	ing Office i o this repor	in response to an inv rt): al application as orig	national application, this report is based on (report is based on (report is based on this ginally filed/furnished			
	[]			pages	1-7 and 9-21		as originally filed/furnished		
			[X]		8	received by this Authority on	6 September 2005		
			[]	pages*	_	received by this Authority on			
	[X]		the c	claims:					
		-	[]	pages		•	as originally filed/furnished		
		1	[]	pages*		as amended (together wit	h any statement) under Article 19		
		-	[X]	pages*	<u>22-26</u>	received by this Authority on	6 September 2005		
		ł	[]	pages*		received by this Authority on			
	[X]		the d	rawings:					
		I	[X]	pages	<u>1/31-31/31</u>		as originally filed/furnished		
		Į	[]	pages*		received by this Authority on			
		{	[]	pages*		received by this Authority on			
	[]		a sec	puence listir	ng and/or any related	d table(s) - see Supplemental Box Relating to	Sequence Listing.		
3.	[]	•	The		ts have resulted in th	he cancellation of:			
		([]		ption, pages	•			
		ı		the claims		•			
		l			ngs, sheets/figs	:			
		l		_	nce listing (specify):				
		l	IJ	any table((s) related to sequen	ice listing (specify):			
4.	[]			they have the descrip the claims the drawing the sequen	been considered to prion, pages		•		
* ,	f iter	n	4 ap	plies, some	or all of those shee	ts may be marked "superseded."			

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Box No. IV Lack of unity of invention	
1. [] In response to the invitation to restrict or pay additional fees the app	plicant has, within the applicable time limit:
[] restricted the claims	
[] paid additional fees	
[] paid additional fees under protest and, where applicable, the p	protest fee
[] paid additional fees under protest but the applicable protest fe	æ was not paid
[] neither restricted the claims nor paid additional fees.	
2. [X] This Authority found that the requirement of unity of invention is no to invite the applicant to restrict or pay additional fees.	ot complied with and chose, according to Rule 68.1, not
3. This Authority considers that the requirement of unity of invention in acco	rdance with Rules 13.1, 13.2 and 13.3 is:
[] complied with	
[X] not complied with for the following reasons:	
1. Claims 1-19 Pertain to a retractable roof assembly comprising a fixed rail and a mov	vahle rail assembly
2. Claims 20-27 Pertain to a retractable roof assembly comprising a plurality of roof pan stowed position.	·
	,
4. Consequently, this report has been established in respect of the following par	rts of the international application:
[X] all parts	
[] the parts relating to claims Nos.	

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1.	Statement			ļ
	Novelty (N)	Claims	<u>1-27</u>	YES
		Claims	NONE	NO
	Inventive step (IS)	Claims	<u>1-27</u>	YES
		Claims	NONE	NO
	Industrial applicability (IA)	Claims	<u>1-27</u>	YES
		Claims	NONE	NO
İ	•		•	

2. Citations and explanations (Rule 70.7)

Reference is made to the following document:

D1: US 6,604,782

D1 discloses a retractable roof assembly for a motor vehicle comprising a fixed guideway disposed in a roof opening and a movable guideway located in a rear gate of the vehicle that pivots in relation to the fixed guideway. Panels are slidably engaged with the fixed guideway to cover the roof opening in a closed position. To uncover the roof opening, the movable guideway is pivoted to align with the fixed guideway and the roof panels are slid rearwardly to a stowage position in the rear gate of the vehicle. The rear gate can further pivot to a fully open position or fully closed position under manual power or using a power actuator.

The subject matter of claims 1 and 15 differ from D1 in that the movable guide rail is attached to a portion of the roof frame vs. attached to the rear gate of the vehicle. D1 also does not disclose a linkage assembly operably connected to said movable rail for pivoting and articulating said movable rail relative to said fixed rail when said plurality of roof panels is in said stacked configuration, thereby differing from what is shown in claims 1 and 20. Therefore claims 1,15 and 20 are considered novel under PCT Article 33(2) and involve an inventive step under PCT Article 33(3). A similar analysis for claim 24 reveals the subject matter as novel and inventive when compared with the prior art.

Claims 2-14, 16-19, 21-23 and 25-27 ultimately depend on claims 1, 15, 20 and 24, respectively, and as such also meet the requirements of the PCT with respect to novelty and inventive step.

Claims 1-27 meet the criteria for Industrial Applicability set out in PCT Article 33(4) because the claimed invention can be made or deemed useful in industry.

Form PCT/IPEA/409 (Box No. V) (April 2005)

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Box No. VIII	Certain observations on the international application			
The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:				
by reference an u	The description does not comply with PCT Article 5. A statement in an application, such as on page 8, line 26-27, which incorporates by reference an unpublished document, should not be regarded as being part of the description. A person skilled in the art should be able to understand the patent specification without reference to any other document.			
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